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Attorneys for Plaintiff
NATIONAL ABORTION FEDERATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

NATIONAL ABORTION FEDERATION (NAF),

Plaintiff,

v.

THE CENTER FOR MEDICAL PROGRESS,
BIOMAX PROCUREMENT SERVICES, LLC,
DAVID DALEIDEN (aka "ROBERT SARKIS"),
and TROY NEWMAN,

Defendant.

Case No. 3:15-cv-3522-WHO
Judge: Hon. William H. Orrick, III

**DECLARATION OF DEREK F.
FORAN IN SUPPORT OF NAF'S
OPPOSITION TO CHARLES
JOHNSON'S SECOND MOTION
TO QUASH**

Hearing Date: Dec. 23, 2015
Hearing Time: 2:00 p.m.
Location: Courtroom 2

1 I, DEREK FORAN, hereby declare as follows:

2 1. I am a partner at the law firm of Morrison & Foerster LLP, which represents
3 Plaintiff National Abortion Federation (“NAF”) in the above captioned action. I am admitted to
4 practice in the State of California and before the United States District Court of the Northern
5 District of California, and am a member of good standing with the state bar. Except where stated
6 otherwise below, I make this declaration based on personal knowledge in support of National
7 Abortion Federation (NAF)’s Opposition to Second Motion to Quash the Subpoena of Charles C.
8 Johnson.

9 2. Attached as Exhibit 1 is a true and correct copy of an article posted on
10 WashingtonPost.com entitled *Controversial Blogger, Infamous Hacker Team Up To Release*
11 *Remaining Planned Parenthood Videos*, dated October 23, 2015. This document was obtained by
12 downloading it from WashingtonPost.com’s website, at
13 [https://www.washingtonpost.com/news/morning-mix/wp/2015/10/23/controversial-](https://www.washingtonpost.com/news/morning-mix/wp/2015/10/23/controversial-bloggerinfamous-hacker-team-up-to-release-remaining-planned-parenthood-videos/)
14 [bloggerinfamous-hacker-team-up-to-release-remaining-planned-parenthood-videos/](https://www.washingtonpost.com/news/morning-mix/wp/2015/10/23/controversial-bloggerinfamous-hacker-team-up-to-release-remaining-planned-parenthood-videos/).

15 3. Attached as Exhibit 2 is a true and correct copy of an article posted on
16 gotnews.com entitled BREAKING VIDEO: Planned Parenthood Rep: We Can’t Stop Affiliates
17 From Breaking The Law by Charles C. Johnson, dated October 20, 2015. This document was
18 obtained by downloading it from gotnews.com’s website, at [http://gotnews.com/breaking-](http://gotnews.com/breaking-videoplanned-parenthood-rep-we-cant-stop-affiliates-from-breaking-the-law/)
19 [videoplanned-parenthood-rep-we-cant-stop-affiliates-from-breaking-the-law/](http://gotnews.com/breaking-videoplanned-parenthood-rep-we-cant-stop-affiliates-from-breaking-the-law/).

20 4. Attached as Exhibit 3 is a true and correct copy of a screenshot of a Charles C.
21 Johnson Facebook post dated November 4, 2015. This document was obtained by downloading it
22 from Johnson’s Facebook page.

23 5. Attached as Exhibit 4 is a true and correct copy of an email from Defendant David
24 Daleiden (“Daleiden”) to Johnson, dated July 13, 2015, with its attachments. Johnson produced
25 this document in response to NAF’s October 30, 2015 subpoena duces tecum (Dkt. No. 194).
26 Exhibit 4 is being filed under seal.

27 6. Attached as Exhibit 5 is a true and correct copy of a log of Facebook Messenger
28 chats between Johnson and Daleiden, dated July 16, 2015. Johnson produced this document in

1 response to NAF's October 30, 2015 subpoena duces tecum (Dkt. No. 194). Exhibit 5 is being
2 filed under seal.

3 7. Attached as Exhibit 6 are true and correct copies of email communications
4 between Johnson and Daleiden, dated from August 28, 2015 to October 22, 2015. Johnson
5 produced these documents in response to NAF's October 30, 2015 subpoena duces tecum (Dkt.
6 No. 194). Exhibit 6 is being filed under seal.

7 8. Attached as Exhibit 7 is a true and correct copy of a series of text message
8 between Daleiden and Johnson, dated from October 4-24, 2015. Johnson produced these
9 documents in response to NAF's October 30, 2015 subpoena duces tecum (Dkt. No. 194).
10 Exhibit 7 is being filed under seal.

11 9. Attached as Exhibit 8 are true and correct copies of Johnson's phone records from
12 July 7, 2015 through November 2, 2015. Johnson produced these documents in response to
13 NAF's October 30, 2015 subpoena duces tecum (Dkt. No. 194). Exhibit 8 is being filed under
14 seal.

15 10. Attached as Exhibit 9 is a true and correct copy of a document entitled "Johnson's
16 Privilege Log," served on counsel for NAF and dated November 17, 2015.

17 11. Attached as Exhibit 10 is a true and correct copy of the certified transcript of
18 Charles C. Johnson's deposition, taken in Morrison & Foerster's San Francisco office on
19 November 17, 2015. Pursuant to the parties' Protective Order, this transcript is designated
20 "Confidential – Attorney's Eyes Only" for thirty (30) days from the date the deposition was
21 taken. Exhibit 10 is being filed under seal.

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1 12. Attached as Exhibit 11 is a true and correct copy of an email exchange between
2 Johnson and Andrew “Weev” Auernheimer, dated October 21-22, 2015. Johnson produced this
3 document in response to NAF’s October 30, 2015 subpoena duces tecum (Dkt. No. 194). Exhibit
4 11 is being filed under seal.

5 Executed this thirtieth day of November, 2015, in San Francisco, California.

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DEREK F.FORAN